Secrt. II-27—100,000—31-5-48.

Revenue (1948) Department.

SERIES.

G.O. NO. 744

Dated 24-4-48.

[Despatch Abstract.]

Acts - The Madras Estates Land (Reduction of Rent) Act, 1947 - Executive instructions for the guidance of the Special Deputy Collector Assistants Approved as amended.

GOVERNMENT OF MADRAS.
Abstract.

Acts - The Madras Estates Land (Reduction of Rent) Act, 1947 - Executive instructions for the guidance of the Special Deputy Collecto Assistants - Approved as amended.

REVENUE DEPARTMENT

G.O. Ms. No. 944. Dated the 24th April 1948.

Read:-

From the Board of Revenue, Ref. No. G.745/48-1 dated 3.2.1948.
From the Board of Revenue, Ref. No. G.745/47-2, dated 1.4.1948.

Order:-

The draft executive instructions for the guidance of the Assistants to the Special Officer for Rent Reduction in estates, received with the Board's reference read above are approved as amended. The executive instructions as approved are ann[illegible] this order.

(By Order of His Excellency the Governor).

R. Prasad,
Deputy Secretary to Govt.

To

The Board of Revenue.
The Special Officer for Rent Reduction of Estates.

ANNEXURE

Executive instructions for the guidance of the Special Assistants in Rent Reduction work.

Immediately on arrival in the zonal area the Special Assistant will draw up a monthly programme of the areas in which he and the Deputy Tahsildar propose to work. He will take care to notify his presence in the locality chosen for work beforehand as required by rule 4 of the rules framed under the Act.

2. The Special Assistant will call upon the Estate revenue officials to furnish him with a detailed statement showing in each village the different rates of rent charged for wet, garden and dry lands separately and also showing against each rate of rent the extent of land held in the village on ryoti tenure. In the case of villages with cash rents he will calculate the average wet rate for the "principal village' by multiplying the extents under each rate by the money rate in question to find the total cash rent for the total extent of wet lands and then dividing it by the total wet extent of the lands to get the average wet rate. He will pursue similar calculations in respect of garden lands and dry lands.

3. He will make similar calculations in respect of a typical ryotwari village as near as possible to the 'principal village' or group of villages selected and obtain similar average wet, dry and garden rates. He will take care to see that as far as possible the ryotwari village selected for comparison has similar soils to that in the 'principal village', for example he should

compare an estate village with predominantly red ferruginuous soil with a ryotwari village with similar soil. Moreover in selecting a ryotwari village for this comparison, he should in the case of dry villages apply the criteria on which dry grouping in ryotwari villages is based such as proximity to a road or market and facilities of communication and in the case of wet villages he should compare villages which are under similar sources of irrigation. Thus, where all the wet lands in a village are under a second class source, he should select a ryotwari village where the wet lands are also under a second-class source. In assessing the capacity of a zamindari irrigation source in order to fix its classification, he shall be guided by its de facto qualities, its actual present condition; thus, a potential six months source with poor bunds which actually holds only two months water shall be treated only as a two months source and assigned to the appropriate fifth class.

4. He will then make the comparison laid down in section 2(3) of the Act and work out separate proportions between the average wet, dry and garden rates in the ryotwari village and those in the Estate village. He should then in his proposals suggest an appropriate reduction to all the various rates of rents in the village. In the case of money rents and in the case of grain rents and in the case of mixed cash and grain rents it is not difficult to work out the proportion and declare the new reduced rates of rents.

5. The case of villages on waram or sharing system requires to be distinguished. The proviso to section 2(2)(a) lays down the procedure Where it is a pure waram village he shall take the nearest village in the same estate which is more or less similar and in which the cash rents are prevalent and work out the average rates and then compare these average rates with the average rates of the typical ryotwari village selected for comparison. If there is no cash-rent village in that very estate, he will select a cash-rent village in the nearest estate. He shall then apply that proportion for purposes of reduction to the waram shares. Thus suppose the waram is an equal sharing on the threshing floor of the produce. The proprietor now gets 1/2 and the ryotwari tenant gets 1/2. Suppose the resultant fraction by the above comparison is 4/5, the proprietor will henceforth get 1/2 X 4/5 or 2/5 of the produce and the ryoti tenant will get the remaining 3/5. This must be declared by the Special Assistant as the new share of the waram payale under his proposals as required by explanation 2 to section 2(3) of the Act.

6. Another case arises where a village may consist of a large number of acres on waram tenure and the rest on cash rents. For example, the village may have 100 acres on waram and 120 acres on cash rents. In such cases the Special Assistant will merely calculate the average wet rate on the cash rent portion of the village alone and he will apply the resultant proportion, obtained by comparing that rate with the average adjacent ryotwari rate, to the waram rents, in the same manner as he would do it in a purely waram village (see para 5 aboye).

7. There are certain cases in a village where a money rate varying with the crop is charged in respect of certain types of land. For example, a wet land is sometimes charged Rs. 23/- for growing sugar-cane and Rs. 30/- for growing betel-vine. If there are large extents like this in the village they may be treated as garden rates and an average struck in the same manner as in para 2 above and compared with the average garden rate in the ryotwari village. If however there are only isolated cases, it is simpler to treat them as wet lands belonging to the highest wet money rate in the zamin village and as they are being grown with dufassal crops, the Special Officer should calculate 1½ times the highest wet rate and reduce it by the proportion by which the other wet lands in the estate village are being reduced. Thus if the highest wet rate in the zamin village is Rs. 10/- and the proportionate reduction for all wet lands in the village is 3/5 the charge for the two

acre plot grown with sugarcane now being charged Rs. 23/- an acre should in future be 3/5 of Rs. 10/- plus Rs. 5/-, or 3/5 of Rs. 15/- or Rs. 9/- per acre.

8. If garden rates e.g. Rs. 22/-20.18, etc are included in the dry weightage in the principal estate village for purposes of comparison with similar lands in the Government village, these high rate garden lands will not receive adequate benefit of reduction under the Act. Therefore the weightage must be worked out separate for the 'garden lands' and then only a comparison effected with the weighed average of lands of similar fertility in the selected Government village. If the garden lands are irrigated by wells sunk at the cost of the Zamindar before 1908 the garden rates on such l should be totalled, the average struck, and then compared with the average dry rate plus appropriate water cess charged in the Governm village chosen for comparison for lands of similar soils. If there are garden lands irrigated by private wells sunk by the ryots subsequent to 1908 they should be treated only as dry lands and compared with similar lands in the Government village.

9. When the Special Assistant has framed his proposals of reduction he should take care to publish the notification in the village or group of villages as required by Rule 5 of the rules framed under the Act and give one week's time, hear the objections any parties interested, check up on any new factual allegations by enquiry or inspection or both and submit his final report to the Special Officer giving full consideration to the objections receive

). The Special Officer will submit the reports after careful scrutiny to the Government through the Board of Revenue giving his final recommendations in respect of the proposals.

11. It is possible that there will be various special problem not fully covered either by the terms of the Act or by these executive instructions. The Special Assistants will in such cases send detailed reports about such problems then and there to the Special Officer for elucidation as to the lines on which they may b tackled. The Special Officer will, as far as possible also deal with such problems during his tours on the spot by consultation wit the Special Assistants after making such local enquiry and inspection as may be necessary. Problems involving any important deviation from the principles laid down above will be referred by the Special Officer to Government through the Board of Revenue for orders.

12. As far as possible, where whole-inam villages are met with within the zamindari extent, they should be dealt with at

one and the same time as the estate villages proper. This will simplify the work and save much valuable time in local inspection, etc. Where there are scattered whole-inam villages outside the zamindari extent, the Special Assistant may tackle them after he finishes the zamindari extent.

/True copy/

Office Assistant,
Madras Record Office.
4/4/54.